

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion Into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion Into Competition for
Local Exchange Service.

Investigation 95-04-044
(FCC Triennial Review
9-Month Phase)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTIONS TO FILE PROPRIETARY MATERIALS
UNDER SEAL AND RECEIVING THE ISSUES
COMPARISON EXHIBIT INTO THE RECORD**

Proprietary Versions of Opening Briefs

This ruling grants the motions of the parties identified below seeking leave to file under seal the proprietary versions of their opening briefs, dated April 12, 2004, and reply briefs, dated May 13, 2004, in the Federal Communications Commission (FCC) Triennial Review Order (TRO) 9-month phase of this proceeding. Parties filing motions to file proprietary versions of their opening briefs are SBC California, Verizon California Inc., AT&T Communications of California, Inc. (AT&T), MCI WorldCom Communications, Inc., and the Pure UNE CLEC Coalition.

**Proprietary Version of Materials Attached to Notice of April 7, 2004,
Ex Parte Communication**

This ruling also grants the motion of AT&T for leave to file under seal the proprietary version of material attached to its Notice of Ex Parte Communication

for an April 7, 2004 meeting with President Michael R. Peevey. AT&T indicates that the proprietary version of Slides 9-25 contains confidential and proprietary information that it seeks to file under seal.

Receipt Into Evidence of the Issues Comparison Exhibit

Pursuant to prior ruling, parties jointly prepared an Issues Comparison Exhibit (ICE) setting forth differences in parties' positions in each of the various issue areas of the TRO 9-month phase proceeding. Certain sections of the ICE contain information that has been designated by the sponsoring party as confidential. Accordingly, a public version of the ICE shall be received into evidence with the designated confidential information redacted. This public version of the ICE shall be marked for identification as Exhibit 205 and is hereby received into the record. Those specific sections of the ICE containing information that has been identified as confidential shall be treated as a separate confidential exhibit and marked for identification as Exhibit 206 C. This exhibit is received into the record. The public version of the ICE (Exhibit 205) shall be placed in the exhibit file in this proceeding, and shall be publicly available. The confidential excerpts of the ICE containing the excerpts identified as confidential shall be filed under seal as Exhibit 206 C and shall not be disclosed publicly. Access to the confidential exhibit shall be restricted in accordance with the provisions of the Protective Order adopted in this proceeding.

Discussion

Confidential information submitted by a public utility is protected by Public Utilities Code Section 583 and General Order (GO) 66-C. Accordingly, pursuant to GO 66-C and Public Utilities Code Section 583, which provide for confidential treatment of proprietary and confidential information submitted by public utilities to the Commission, the above-referenced parties request leave to

provide this information to the Commission under seal. Granting parties motions is consistent with the protections established by statute and Commission order. Accordingly, the motions are granted in accordance with the order below.

IT IS RULED that:

1. The motions of the parties as identified above seeking leave to file under seal the designated proprietary materials are hereby granted.
2. The Issues Comparison Exhibit (ICE) is hereby identified and received into the record in redacted form as Exhibit 205. The specific sections of the ICE containing information identified as confidential shall be separately marked for identification as Exhibit 206 C and shall be restricted from public disclosure in accordance with the terms of the Protective Order adopted in this proceeding.
3. The proprietary materials included in the documents as identified in this ruling shall remain under seal and shall not be accessible or disclosed to anyone other than the Commission staff expect on further order/ruling of the Commission, Assigned Commissioner, the assigned Administrative Law Judge (ALJ) or the ALJ then designated as the Law and Motion Judge.
4. Redacted non-confidential versions of the identified documents shall remain part of the public record.

Dated May 17, 2004, at San Francisco, California.

/s/ THOMAS R. PULSIFER
Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motions to File Proprietary Materials Under Seal and Receiving the Issues Comparison Exhibit Into the Record on all parties of record in this proceeding or their attorneys of record.

Dated May 17, 2004, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.